

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:)	Bankruptcy No. 04-44584
)	
BRETT RICHARD HANSON)	Chapter 7 Case
)	
Debtor(s).)	

NOTICE OF HEARING AND MOTION TO DISMISS
CASE WITH PREJUDICE TO REFILING

TO: The debtor(s) and other entities specified in Local Rule 9013-3.

1. The United States Trustee, by his undersigned attorney, moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 10:30 a.m. on Wednesday, September 29, 2004, before the Honorable Nancy C. Dreher, U.S. Bankruptcy Judge, in Courtroom No. 7 West, at the United States Bankruptcy Court, United States Courthouse, at 300 South Fourth Street, Minneapolis, Minnesota.

3. Any response to this motion must be filed and delivered not later than September 24, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than September 20, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays). Local Bankruptcy Rule 9006-1. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. Sections 157 and 1334, FED.R.BANKR.P. 5005 and Local Rule 1070-1. The United States Trustee has standing to file this

motion pursuant to 28 U.S.C. Section 586(a) and 11 U.S.C. Section 307. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on August 17, 2004. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. §707(a), §109(g)(1), and FED.R.BANKR.P. 1017, and 2002. This motion is filed under FED.R.BANKR.P. 9014 and Local Rules 9013-1 to 9013-3. Movant requests that this case be dismissed with prejudice to the debtor, precluding him from refiling under any chapter of the bankruptcy code for a period of not less than two years.

FACTS

6. The debtor has filed numerous bankruptcy cases in the past, virtually all of which ended in failure. The debtor's prior personal bankruptcy cases, all filed in Minnesota, are as follows:

A. Brett R. Hanson and Cindy L. Hanson, Bky # 95-44913, Voluntary petition under Chapter 13 filed on September 14, 1995, dismissed on December 14, 1995.

B. Brett R. Hanson, Bky # 98-42360, Voluntary petition under Chapter 7 filed on April 9, 1998. Discharge granted on July 20, 1998. Discharge vacated on July 29, 1998. Discharge subsequently granted on May 22, 2002. Case closed on June 22, 2000.

C. Brett R. Hanson, Bky # 02-42570. Originally filed as a voluntary petition under Chapter 13 on August 5, 2002. Debtor's motion to convert case from chapter 13 to chapter 11 granted, conversion order entered on November 1, 2002. Order granting U.S. Trustee's motion to convert case from chapter 11 to chapter 7 entered on March 24, 2003. July 30, 2003, order entered denying debtor a discharge (Adversary Proceeding # 03-4097). This case remains open with Julia Christians serving as chapter 7 trustee.

D. Brett R. Hanson, Bky # 03-45394. Voluntary petition filed under Chapter 13 on

July 30, 2003. Case was dismissed on October 7, 2003.

E. Brett R. Hanson, Bky # 03-47953. Voluntary petition filed under chapter 11 on November 12, 2004. Case dismissed by order entered on November 21, 2003 (Docket #5), based on debtor's ineligibility to be a debtor under 11 U.S.C. §109(g)(2).

F. Brett R. Hanson, Bky # 04-33987. Voluntary petition filed under chapter 13, July 8, 2004. On July 21, 2004, the debtor sought and received by order dated July 22, 2004, an extension of time to file his bankruptcy schedules to August 6, 2004. The debtor subsequently sought an additional extension which the court, by order entered on August 6, 2004, denied. Case dismissed on August 9, 2004, for failure to comply with prior order to file schedules by established deadline.

G. This case, Brett R. Hanson, Bky 04-44584. Voluntary petition filed under chapter 7.

7. In addition to the foregoing, the debtor has filed three bankruptcy cases for his solely owned corporations. See *Imprint Technologies, Inc.*, Bky # 95-44910, Chapter 11, *Imprint Technologies, LLC*, Chapter 11 Bky # 98-43627, *Imprint Technologies, LLC*, Chapter 7 Bky # 04-33988.

ARGUMENT

Failure to comply with prior court orders

8. Based on debtor's failure to comply with prior orders of the court, the debtor is ineligible to be a debtor under any chapter of the bankruptcy code and cause therefore exists to dismiss this case with prejudice. Under 11 U.S.C. §109(g), an individual may not be a debtor under title 11 if he has been a debtor in a case at any time in the preceding 180 days and if the case was dismissed by the

court for willful failure of the debtor to abide by orders of the court. See 11 U.S.C. §109(g)(1).

9. The debtor's most recent previous case (#04-33987) was commenced on July 8, 2004 by the filing of a voluntary petition under chapter 13. That case was commenced as a partial filing since the debtor failed to file any schedules, statements, declarations or a chapter 13 plan. As a result, on July 9, 2004, the court entered an "Order Upon Partial Case Filing" which provided "Unless the court extends the time as provided in paragraph 2 of this order, the debtor(s) shall file the papers specified above . . . not later than 7/23/04". Case # 04-33987, Docket #2. Emphasis added. (Exhibit A, attached).

10. Subsequently, the debtor sought and obtained an order granting him a 14 day extension to file his schedules and statements, thereby establishing August 6, 2004 as the deadline for compliance with the court's prior order. On August 6, 2004, the debtor sought a second extension of the time to file schedules which was denied on that same date. In denying the debtor's second request for an extension, the court held that if the debtor failed to comply with the established deadline of August 6, 2004, the case would be dismissed. See Order, August 6, 2004, Docket # 6. (Exhibit B, attached).

11. The debtor failed to comply with the August 6, 2004, deadline yet the court informally gave the debtor an additional three days to comply. After that additional three days, the court, on August 9, 2004, entered an order dismissing the case. (Exhibit C, attached).

12. The first two orders in the debtor's prior case unequivocally required the debtor's compliance by filing all schedules, statements, and the chapter 13 plan. The debtor failed to comply with those orders which resulted in the dismissal the case. Eight days later, the debtor filed this case. Under §109(g)(1) the debtor's failure to comply with Chief Judge Kishel's prior order precludes the debtor from being a debtor under any chapter of the bankruptcy code for at least 180 days. As a

result, this case must therefore be dismissed with prejudice to refile under any chapter for at least 180 days after August 9, 2004, which was the date of the dismissal of the debtor's prior case.^{1/}

Bad Faith

13. Additional cause exists to dismiss the case based on the debtor's bad faith in filing this case. As set forth above, the debtor has an extensive history of filing cases in this court and has been under the protection of this court almost continually for the last two years. Including the filing of his wholly owned corporations three times, the debtor has filed a total of ten bankruptcy cases in the last nine years. Six of those cases have been filed the last two years

14. The debtor's case #02-42570, filed on August 5, 2002, remains open. The debtor filed three subsequent cases (excluding the present case) since that time. Each of the three cases were dismissed, but in each case the debtor received, without justification, the protection of the automatic stay. Now the debtor seeks protection from this court once again. The filing of serial cases is an indicia of bad faith. Such bad faith warrants a dismissal with prejudice. See attached Memorandum of Law.

15. The repeated case filings establish the debtor's attempts to unnecessarily and improperly delay collection efforts by creditors without assuming any of the responsibilities of a debtor under the bankruptcy code. This conduct is evidence of the debtor's utter lack of respect for the authority of this court and establishes the debtor's willingness to misuse the bankruptcy code and the protection it provides to further his own interests in a manner inconsistent with the intent of the bankruptcy code. As

^{1/}It should also be noted that the debtor's November 2, 2003 chapter 11 case (case #03-47953), was also dismissed by order of Judge Kressel based on debtor's ineligibility to be a debtor at that time. See attached order dated November 21, 2003. (Exhibit D).

a result, additional cause exists to dismiss this case with prejudice to refiling for two years, based on the debtor's bad faith. (See Memorandum).

CONCLUSION

16. Cause exists to dismiss this case immediately since the debtor is not entitled to be a debtor, based on the prohibitions in §109(g)(1). In addition, the debtor is not entitled to be a debtor based on his bad faith in filing this case. As a result, cause exists to dismiss this case with prejudice to refiling for a period of not less than two years.

WHEREFORE, the United States Trustee respectfully requests that this chapter 7 case be dismissed with prejudice to the debtor filing a case under any chapter of the bankruptcy code for a period of two years..

Dated: August 25, 2004

Respectfully submitted,

HABBO G. FOKKENA
United States Trustee
Region 12

By: /s/Michael R. Fadlovich
Michael R. Fadlovich
Trial Attorney
United States Trustee's Office
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MN ATTY No. 158410
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IN THE UNITED STATES BANKRUPTCY COURT
District of Minnesota

In the Matter of:

Brett Richard Hanson

Debtor(s)

Case No. 04-33987

Chapter 13

Original

Motion for a 14 day extension to file schedules Bankruptcy Petition

1. Debtor(s), Brett Richard Hanson, commenced this case on July 9, 2004 by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.

2. Debtor commenced this case Prose.

3. Debtor has previously attempted to proceed prose with not much success, the debtor makes no assurances that Counsel will agree to represent my interests

3. Debtor is presently seeking Counsel to represent his estate, however as of today July 21, 2004, the debtor has not retain legal counsel and is requesting an addition 14 day extension from July 23, 2004 to seek and retain counsel to represent his interest in this matter.

Wherefore, debtor(s) pray for an Order to Amend his/her/their Bankruptcy Petition to reflect the above-mentioned changes and for such additional or alternative relief as may be just and proper.

Date

July 21, 2004

[Signature]
Debtor Brett Richard Hanson

(3)

ORDER

The motion of the above-named debtor(s), Brett Richard Hanson, to grant a 14 day extension is sustained.

It is hereby ORDERED and DECREED that the Debtor's Bankruptcy Schedules are due no later then August 6, 2004

Dated July 22, 2004

1E1 Gregory S. Kishul
U.S. BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
District of Minnesota

In the Matter of:

Brett Richard Hanson

Debtor(s)

Case No. 04-33987

Chapter 13

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 07/22/04
Lori Vosejka, Acting Clerk, By lje

RECEIVED
04 JUL 21 PM 2:57
U.S. BANKRUPTCY COURT
ST. PAUL, MN

4-1

Proof of Service by Mail

I, Brett R Hanson Debtor declare that On July 21, 2004, I served the Motion for a 14 day extension to file schedules Bankruptcy Petition by placing true and correct copies thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at (address of mailbox) addressed as follows:

Trustee Jasmine A Keller
US Trustee Office

12 S 6th St Suite Ste 310 Minneapolis, MN 55402
300 S 4th Street Minneapolis, MN 55415

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 21, 2004

[Signature]
Signature

EXHIBIT "A"

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BRETT RICHARD HANSON,

Debtor.

ORDER DENYING APPLICATION OF DEBTOR
FOR EXTENSION OF TIME
UNDER FED. R. BANKR. P. 1007(c)

BKY 04-33987

At St. Paul, Minnesota, this 6th day of August, 2004.

The Debtor in this Chapter 13 case, acting *pro se*, commenced it on July 8, 2004, via a "partial filing" consisting of a petition and a summary list of creditors. Via an order entered on July 9, 2004, pursuant to Fed. R. Bankr. P. 1007(c) and Loc. R. Bankr. (D. Minn.) 1007-4(a), the Court fixed July 23, 2004, as the deadline for the filing of the balance of the statements, schedules, and lists for this case. The Debtor requested an extension of this deadline, which the Court granted *pro forma*. The Debtor now requests a second extension of this deadline. The grounds recited in the text of the application do not constitute "cause shown" within the contemplation of Fed. R. Bankr. P. 1007(c), given that this is a second request and the recitation of grounds is identical. Accordingly,

IT IS HEREBY ORDERED:

1. The application of the Debtor for an extension of the deadline for the filing of the balance of statements, schedules, and lists for this case is denied.
2. Upon the expiration of the period for the filing of the balance of the statements, schedules, and lists, as fixed by this Court's order of July 22, 2004, the Court will enter an order dismissing this case if those documents are not on file.

BY THE COURT:



GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE

NOTICE OF ELECTRONIC ENTRY AND
FILING ORDER OR JUDGMENT
Filed and Docket Entry made on 08/06/04
Lori Vosejka, Acting Clerk, By jrb

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. **BKY 04-33987**

BRETT RICHARD HANSON

Debtor(s)

Chapter 13 Case

ORDER OF DISMISSAL

The petition commencing this chapter 7 or 13 case was filed on **July 7, 2004**. However, certain lists, schedules or statements were not filed with the petition. By order dated **July 22, 2004**, the debtor(s) was ordered to file all such papers no later than **August 6, 2004**. The order further provided that if such papers were not filed on or before such date, or such date as the court may fix by order extending the time for such filing, and the court had not entered an order to extend or further extend the time for such filing, an order dismissing this case would be entered immediately without a hearing and without further notice. The required papers have not been filed. No order extending or further extending the time for such filing has been entered. This order is made accordingly.

IT IS THEREFORE ORDERED, that this **chapter 13 case** is hereby dismissed, and that the clerk shall forthwith mail copies of this order as notice thereof to the debtor(s), to **Pro Se**, the attorney for the debtor(s), and to the trustee, the United States Trustee, and all creditors listed in the preliminary matrix filed with the petition commencing this case.

Dated: August 9, 2004

1E/ Gregory J. Kishel

United States Bankruptcy Judge

NOTICE OF ENTRY AND FILING ORDER OR JUDGMENT
Filed and docket entry made on <u>8/9/04</u>
Lori Vosejpka, Acting Clerk, by <u>sja</u>

02/15/93.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Brett R. Hanson,

Debtor.

ORDER OF DISMISSAL

BKY 03-47953

At Minneapolis, Minnesota, November 21, 2003.

On November 18, 2003, I entered an Order to Show Cause scheduling a hearing for November 26, 2003, to determine whether or not this case should be dismissed. The debtor has now filed a written response to that order in which he concedes his ineligibility to file bankruptcy.

Based on a review of the files and records of the court, I make the following:

FINDINGS OF FACT

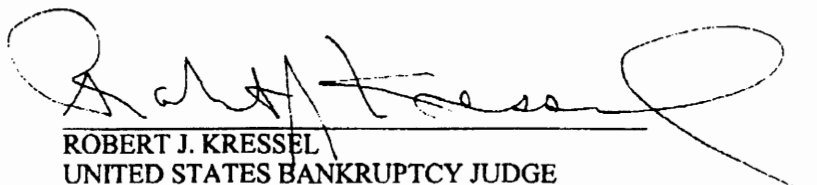
1. On July 30, 2003, the debtor filed a case under chapter 13.
2. On September 23, 2003, Master Electric Company, Inc., filed a motion seeking relief from the automatic stay.
3. On October 6, 2003, the debtor requested that his case be dismissed.
4. On October 7, 2003, the debtor's chapter 13 case was dismissed based on the debtor's request.

CONCLUSIONS OF LAW

1. Pursuant to 11 U.S.C. § 109(g)(2), the debtor is not eligible to be a debtor in any bankruptcy case for 180 days after October 7, 2003.
2. The debtor was ineligible to file this case.

THEREFORE, IT IS ORDERED:

1. This case is dismissed.
2. The hearing scheduled for November 26, 2003, at 11:00 a.m. is cancelled.


ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE

NOTICE OF ENTRY AND FILING ORDER OR JUDGMENT
Filed and Docket Entry made on NOV 21 2003
Patrick G. De Wana, Clerk, By mb

EXHIBIT "D"

5-1

VERIFICATION

I, Michael R. Fadlovich, attorney for the United States Trustee, the movant named in the foregoing motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: August 25, 2004

Signed: /s/ Michael R. Fadlovich
Michael R. Fadlovich
Trial Attorney

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:)	Bankruptcy No. 04-44584-NCD
)	
BRETT RICHARD HANSON)	Chapter 7 Case
)	
Debtor(s).)	

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

This memorandum is submitted pursuant to Local Rule 9013-2(a). Cause exists to dismiss this Chapter 7 case under 11 U.S.C. 707(a). In addition, cause exists to dismiss the case with prejudice to the debtor refiling a case under any chapter of the bankruptcy code for a period of not less than two years.

Analysis of Section 707(a)

Section 707(a) provides:

The court may dismiss a case under this chapter only after notice and a hearing and only for cause, including —

- (1) unreasonable delay by the debtor that is prejudicial to creditors;
- (2) nonpayment of any fees and charges required under chapter 123 of title 28 [28 U.S.C. § 1911 et seq.]; and
- (3) failure of the debtor in a voluntary case to file, within fifteen days or such additional time as the court may allow ... the information required by paragraph (1) of section 521, but only on a motion by the United States trustee.

11 U.S.C. § 707(a).

Dismissal for cause is not limited to the three examples set forth in Section 707(a); use of the word “including” means that the examples are nonexhaustive. *Huckfeldt v. Huckfeldt (In re Huckfeldt)*, 39 F.3d 829, 831 (8th Cir. 1994) (*see* citations therein).

Debtor is ineligible under Bankruptcy §109(g)(1)

Under 11 U.S.C. §109(g), the bankruptcy code provides:

(g) Notwithstanding any other provision of this section, no individual or family farmer may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if-

- (1) the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case; or
- (2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 361 of this title.

11 U.S.C. §109(g).

In the debtor’s most recent prior case, filed less than six weeks before the present case, the debtor was ordered to file schedules, statements and a chapter 13 plan. The debtor failed to comply with that order, as well as the order granting him an extension to do so. Upon the debtor’s failure to comply, Chief Judge Kishel dismissed his case. Because the debtor refiled this case eight days after the prior dismissal, this court is required to dismiss this case.

The facts in this case are precisely what §109(g)(1) is designed to address. Since the debtor is not now entitled to be a debtor under any chapter of the code for 180 days, the court must, at minimum, dismiss the case with prejudice to refiling until 180 days after August 9, 2004, the date the prior case was dismissed. By the undersigned’s calculations, this would be until February 5, 2005. However, as set forth below, the debtor’s bad faith justifies prejudice against refiling for a longer

period.

Bad Faith

The Eighth Circuit Court of Appeals in *Huckfeldt v. Huckfeldt (In re Huckfeldt)*, 39 F.3d 829, 831 (8th Cir. 1994), specifically adopted the reasoning of the bankruptcy court in *In re Khan*, 172 B.R. 613 (Bankr. D. Minn. 1994) to determine whether bad faith may be “cause” under Section 707(a). *Huckfeldt*, 39 F.3d at 832. The Bankruptcy Court in *In re Khan*, held that bad faith under Section 707(a) is the following:

[T]he Court should look first at the debtor’s manifested attitude toward the integrity of the bankruptcy process. The real question should be whether the debtor is in bankruptcy with an intent to receive the sort of relief that Congress made available to petitioners under the chapter in question ... and is willing to responsibly carry out the duties that Congress imposes on debtors as the cost of receiving such relief.

[B]ad faith in the filing of a Chapter 7 petition would be evidenced by a pervasive and orchestrated effort on the part of the debtor to obtain the benefits of a bankruptcy filing while at the same time intentionally and fraudulently taking action to avoid any of the detriments. Such an effort might involve ..., without a concomitant acceptance of the statutory duties of financial disclosure, cooperation with the trustee, and surrender of non-exempt assets.

172 B.R. at 625 (citations omitted).

Here, the debtor’s repeated case filings, none of which have been successful, are precisely what the court was referring to in *Kahn*. Mr. Hanson has taken numerous steps in the last three years to obtain bankruptcy court protection of his and his company’s assets without assuming any of the related responsibilities.

Although, “bad faith” under Section 707(a) is interpreted narrowly, the failure of the debtors to

comply with the court order in the prior case requiring the filing of schedules, coupled with the filing of the present case eight days later, as well as all debtor's prior filings, clearly puts this case into the category of a "bad faith" filing.

There is an implicit requirement that a bankruptcy case be filed in good faith. In re Klein, 100 B.R. 1004, (S.D. Ill. 1989), In re Clinton Centrifuge, Inc., 72 B.R. 900 (E.D. Pa. 1987).

Numerous courts have held that successive bankruptcy filings are indicative of a debtor's bad faith. "Where there are successive reorganization bankruptcy filings without any material changes in the circumstances, the second filing is viewed as in "bad faith"". In re Roxy Real Estate Co., 170 B.R. 571, 574 (Bankr. E.D. Pa. 1993). See also, Elmwood Development Co. 964 F.2d 598, (5th Cir. 1992), In re Chisum, 847 F.2d 597 (9th Cir. 1988), cert. denied, 488 U.S. 892 (1988).

"Serial filings are a "badge" of bad faith". In re Spectre Group, Inc., 185 B.R. 146, 156 (Bankr. S.D. N.Y. 1995), citing In re Eatman, 182 B.R. 386, 392 (Bankr. S.D. N.Y. 1995). See also, In re SB Properties, Inc., 185 B.R. 198 (E.D. Pa. 1995), citing a list of fourteen factors used to determine if subjective bad faith existed in the filing of the case.

The debtor, having been involved in numerous bankruptcy cases in the past, has proven to this court as well as the U.S. Trustee that he is very capable of understanding the requirements of the bankruptcy code and rules, and complying with them when he so desires. However, most recently, the debtor (in his previous case filed on July 8, 2004) chose not to obey the schedule filing orders of the court, thereby allowing his case to be dismissed.. "A debtor's failure to obey court orders and to follow established bankruptcy procedures is sufficient to establish a debtor's lack of good faith". See In re Rognstad, 121 B.R. 45, 51 (Bankr. D. Haw. 1990).

The debtor's failure to obey orders of the Court is also cause for conversion of the case to

another chapter. See Finstrom v. Huisinga, 101 B.R. 997 (Bkrtcy. D. Minn., 1989); In re Baumgartner, 57 B.R. 513, 517 (Bkrtcy. N.D. Ohio 1986); In re Bacon, 52 B.R. 52 (Bkrtcy. N.D. Iowa 1985) (failure to follow local rule); In re Kang, 18 B.R. 680 (Bkrtcy. N.D. Ill.1982).

The debtor's bad faith in the filing of this case, along with his history of unsuccessful repeat filings, requires that the debtor be precluded from refiling cases under the bankruptcy code for an extended period of time. Such a proscription against refiling is necessary to allow creditor such as the Internal Revenue Service and Associated Commercial Finance a fair opportunity to pursue their claims, which, on information and belief, both have repeatedly attempted to do. Given the debtor's history, a two year window in which creditors have unfettered relief from the automatic stay is necessary to allow creditors to fully pursue any claims they may have.

WHEREFORE, the United States Trustee submits this memorandum in support of his motion to dismiss the above-captioned case with prejudice to refiling under any chapter of the Bankruptcy Code for a period of two years.

Dated: August 25, 2004

Respectfully submitted,

HABBO G. FOKKENA
United States Trustee
Region 12

By: /s/Michael R. Fadlovich
Michael R. Fadlovich
Trial Attorney
United States Trustee's Office
1015 United States Courthouse
300 South Fourth Street
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MN ATTY No. 158410
(612) 664-5504

(612) 664-5516

CERTIFICATE OF MAILING

In re:)	Chapter 7 Case
)	
BRETT RICHARD HANSON)	Bankruptcy No. 04-44584
)	
Debtor(s).)	

I, Terri Frazer, certify under penalty of perjury that I am an employee in the Office of the United States Trustee for the District of Minnesota and am a person of such age and discretion as to be competent to serve papers.

That on August 25, 2004, I served a copy of the Notice of Hearing and Motion to Dismiss with Prejudice under 11 U.S.C. §707(a), Memorandum of Law in Support of Motion to Dismiss; and proposed Order in the above-referenced case by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Minneapolis, Minnesota.

Executed on August 23, 2004

Addressee(s):

Brett Richard Hanson
11400 50th Place North
Minneapolis, MN 55442

Paul Ratelle, Esq.
Fabyanske Svoboda & Westra
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Minneapolis, MN 55402

Roylene Champeaux, Esq.
Assistant U.S. Attorney
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Minneapolis, MN 55415

Michael R. Pahl, Esq.
U.S. Department of Justice
Post Office Box 7238
Ben Franklin Station
Washington, DC 20044

Jasmine Keller
Chapter 13 Trustee
310 Plymouth Building
12 S. Sixth Street
Minneapolis, MN 55402

Julia A. Christians
Suite 2500
120 South Sixth Street
Minneapolis, MN 55402

HENNEPIN COUNTY SHERIFF
HENNEPIN COUNTY COURTHOUSE
MPLS MN 55415

MN DEPT OF REVENUE
BANKRUPTCY SECTION
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ST PAUL MN 55164-0447

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DEPT OF MANPOWER SERVICES
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ST PAUL MN 55101

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Dwight R.J. Lindquist
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Minneapolis, MN 55402



Office of the United States Trustee
By Terri Frazer

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:)	Bankruptcy No. 04-44584
)	
BRETT RICHARD HANSON)	Chapter 7 Case
)	
Debtor(s).)	

ORDER DISMISSING CASE WITH PREJUDICE TO REILING

At St. Paul, Minnesota, the _____ day of _____, 2004.

This matter came before the Court for hearing on the Motion of the United States Trustee for an Order dismissing this Chapter 7 case pursuant to 11 U.S.C. §707(a) with prejudice to refile for a period of two years. Michael R. Fadlovich appeared for the U.S. Trustee. Other appearances were as noted in the record.

The Court made its findings of fact and conclusions of law on the record pursuant to Rule 52 of the Federal Rules of Civil Procedure and Bankruptcy Rule 7052. Based on those findings,

IT IS HEREBY ORDERED:

That this Chapter 7 bankruptcy case is dismissed. Brett Richard Hanson shall not personally file any bankruptcy case under any chapter of the bankruptcy code for a period of two years from the date of the entry of this order.

The Honorable Nancy C. Dreher
United States Bankruptcy Judge

